

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JORGE C. RIOS,

Plaintiff,

v.

FRANK WEAVER, MARTINEZ
DETENTION FACILITY, JOHN DOES,

Defendants.


) No. C 06-2738 MMC (PR)

) **ORDER OF DISMISSAL**

On April 21, 2006, plaintiff, an inmate at the Martinez Detention Facility ("MDF") and proceeding pro se, filed the above-titled civil rights action pursuant to 42 U.S.C. § 1983. On October 4, 2006, the Court dismissed the complaint for failure to state a cognizable claim for relief. Plaintiff was granted leave to file an amended complaint curing the deficiencies in the original complaint within thirty days. The Court cautioned petitioner that the failure to file an amended complaint within that time would "result in the dismissal of this action." Petitioner has not filed an amended complaint. Accordingly, the above-titled action is hereby DISMISSED without prejudice. See WMX Technologies v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997) (holding further action by district court necessary where plaintiff fails to amend after dismissal with leave to amend).

IT IS SO ORDERED.

DATED: January 8, 2007


MAXINE M. CHESNEY
United States District Judge